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FEB 06 2004

February 2, 2004 OFFICE OF PETITIONS

**SENT VIA EXPRESS MAIL**  
**NO. EJ745383278US**

OF COUNSEL

JOHN L. ARRINGTON, JR.  
FRANK J. CATALANO  
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U.S. PATENT & TRADEMARK OFFICE  
Office of Petitions  
Mail Stop Petition - FEE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Re: UNITED STATES Patent Pending Serial No. 09829760 for SYSTEM FOR ENSURING DEPARTMENT OF TRANSPORTATION AND LOCAL DISTRIBUTION COMPANY COMPLIANCE IN JOINING OF POLYETHYLENE PIPES AND FITTINGS  
Our File: 005788.00002

Dear Sir:

Enclosed please find (1) Petition for Revival of an Application for Patent Abandoned unintentionally under 37 C.F.R. 1.137(b); (2) Exhibit A is the Amendment and Response to Office Action as deposited with the U.S. Postal Service via First Class Mail on September 2, 2003; (3) Check No. 62023 for \$159.00 as sent with the Amendment; (4) Office Action mailed June 3, 2003; and (5) Notice of Abandonment mailed January 12, 2004.

Since these items were mailed prior to our three-month response deadline to the Office Action mailed June 3, 2003, with our deadline being September 3, 2003, the Amendment as mailed on September 2, 2003 should be entered. Since we have not received the Amendment back in returned mail nor the postcard stamped by the Patent Office and that it was received and the status of the check is not cashed, we are concerned the Patent Office did not receive these documents. We have placed a stop payment on the check and are enclosing a fresh check for the fee of \$159 to cover the Amendment filing.

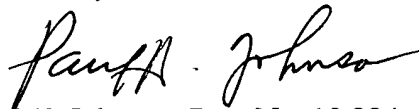
Please consider reopening the case and allow the documents as mailed on that date to be entered for consideration. If any of the above is found unacceptable, the Patent Office is requested to contact the undersigned immediately.

GABLE & GOTWALS

U.S. PATENT & TRADEMARK OFFICE  
Office of Petitions  
February 2, 2004  
Page 2

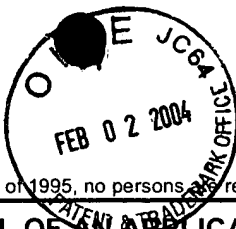
The fee of \$55.00 is attached for small entity petition. Should a fee deficiency have occurred, the Office of Petitions is authorized to charge Deposit Account No. 50-1971. We look forward to hearing from you.

Yours truly,

A handwritten signature in cursive script, appearing to read "Paul H. Johnson".

Paul H. Johnson, Reg. No. 19,224

PHJ/jd/af  
Enclosures



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED  
UNINTENTIONALLY UNDER 37 CFR 1.137(b)**Docket Number (Optional)  
005788.00002'

First named inventor: Chenault

Application No.: 09/829,760

Art Unit: 3742

Filed: 04/10/2001

Examiner: Paschall, M.

Title: SYSTEM FOR ENSURING DEPARTMENT OF TRANSPORTATION AND  
LOCAL DISTRIBUTION COMPANY COMPLIANCE IN THE JOINING  
OF POLYETHYLENE PIPES AND FITTINGS

RECEIVED

FEB 06 2004

Attention: Office of Petitions

Mail Stop Petition

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

FAX: (703) 872-9306

02/05/2004 EFLORES 00000004 09829760

OFFICE OF PETITIONS

01 FC:2452

55.00 OP

NOTE: If information or assistance is needed in completing this form, please contact Petitions  
Information at (703) 305-9282.The above-identified application became abandoned for failure to file a timely and proper reply to a  
notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the  
expiration date of the period set for reply in the Office notice or action plus an extensions of time  
actually obtained.**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee --required for all utility and plant applications  
filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

**1. Petition fee**☒ Small entity-fee \$ 55.00 (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

Should a fee deficiency or credit occur, please debit/credit Deposit Account

☐ Other than small entity - fee \$ \_\_\_\_\_ (37 CFR 1.17(m)) No. 50-1971.**2. Reply and/or fee**

A. The reply and/or fee to the above-noted Office action in

the form of Amendment (identify type of reply):☒ has been filed previously on 09/02/2003.☒ is enclosed herewith.

B. The issue fee of \$ \_\_\_\_\_.

☐ has been paid previously on \_\_\_\_\_.

02/05/2004 EFLORES 00000004 09829760

01 FC:2452 -55.00 OP

(Page 1 of 2)

This collection of information is required by 37 CFR 1.137. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

## 3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE. The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D))].

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

2. February 2004

Date

Paul H. Johnson

Signature

Telephone

Number: (918) 595-4963

Paul H. Johnson, Reg. No. 19,224

Typed or printed name

100 W. 5th Street, 10th Floor

Address

Enclosures: ☒ Fee Payment

Tulsa, Oklahoma 74103-4217

Address

☒ Reply

☐ Terminal Disclaimer Form

☒ Additional sheets containing statements establishing unintentional delay

☐ Other: \_\_\_\_\_

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☒ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: **Mail Stop Petition**, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450. via Express Mail No. EJ745383278US.

☐ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 872-9306.

2. February 2004

Date

Paul H. Johnson

Signature

Paul H. Johnson

Type or printed name of person signing certificate



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF  
United States Patent and Trademark  
Address: COMMISSIONER OF PATENTS AND TR.  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

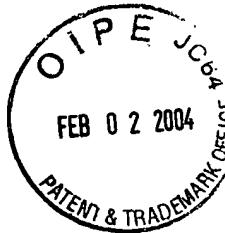
APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION N
09/829,760	04/10/2001	David O. Chenault	RUN600.00/00043A	9599

7590 06/03/2003  
Gable & Gotwals  
Attn: Paul H. Johnson  
100 West Fifth Street  
10th Floor  
Tulsa, OK 74103

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FEB 06 2004

OFFICE OF PETITIONS



EXAMINER

PASCHALL, MARK H

ART UNIT PAPER NUMBER

3742

DATE MAILED: 06/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

RECEIVED  
JUN - 9 2003

Docket By: 06 Atty: PWJ  
C.I.: 5788 Mtr: 2

JUN 09 2003  
Due: 9/3/03 RSA  
Ship: 8/3/03

# Office Action Summary



Application No.

09/829,760

Applicant(s)

CHENAULT, DAVIL

Examiner

Mark H Paschall

Art Unit

3742

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.

- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

Application/Control Number: 09/829,760

Art Unit: 3742

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FEB 06 2004

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

**OFFICE OF PETITIONS**

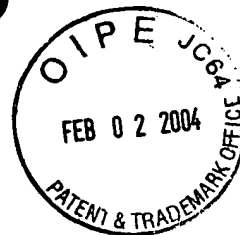
The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-6,8-14,16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Omi et al in view of Eggleston. Ohmi et al teach the claimed subject matter except for showing monitoring of the welding operation via a printer in communication with a computer. However, it is conventional to use a printer with a computer. Eggleston evidences this using printer 76 in Figure 4. The benefit is more data to the operator which leads to more effective welding techniques. In view of this teaching it would have been obvious to modify Ohmi et al to connect a printer to the computer 13, to effect more effective welding techniques, and to obtain a record of the welding. The claims call for using department of transportation guidelines, and it is obvious that one skilled in the welding art would be guided by the appropriate construction codes, barring further description of such codes in the claimed system.

Claims 7 and 15 are 35 U.S.C. 103(a) as being unpatentable over Ohmi et al in view Eggleston further in view of Merle. Ohmi et al as modified teach the claimed subject matter except for using the ambient temperature as one of the welding parameters. However, as set forth in Merle, it is conventional to effect the welding



Page

Art Unit: 3742

operation by using ambient temperature as one of the welding parameters and in view of this teaching it would have been obvious to modify Ohmi et al with the same , this benefit leading to a more accurate temperature control process.

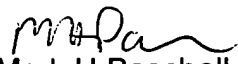
**Conclusion**

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Sauron et al and Nussbaum et al are cited for disclosing pertinent heating control systems for thermoplastic fittings.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark H Paschall whose telephone number is 703 308-1642. The examiner can normally be reached on 7am - 3pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Teresa Walberg can be reached on 703 308-1327. The fax phone numbers for the organization where this application or proceeding is assigned are 703 305-3463 for regular communications and 703 395-3463 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 308-0861.

  
Mark H Paschall  
Primary Examiner  
Art Unit 3742

\*\*\*

June 2, 2003



FORM PTO-1449

Atty. Docket No.:  
RUN600.00/00043a  
Customer No.  
24,118

Serial  
n/a

INFORMATION DISCLOSURE STATEMENT  
BY APPLICANT

Applicant:

Chenault

Filing Date

04/10/01

Group Art.:

n/a

## U.S. PATENT DOCUMENTS

Examiner Initial	Document No.	Date	Name	Class	Sub Class	Filing Date If Appropriate
AA	4,486,650	12/04/84	Bridgstock et al	219	544	
AB	4,684,789	08/04/87	Eggleston	219	497	
AC	4,795,877	01/03/89	Bridgstock et al	219	109	
AD	4,947,012	08/07/90	Minarovic	219	535	
AE	4,994,655	02/19/91	Handa et al	219	535	
AF	5,116,082	05/26/92	Handa et al	285	21	
AG	5,130,518	07/14/92	Merle	219	497	
AH	5,138,136	08/11/92	Moreau et al	219	505	
AI	5,170,042	12/08/92	Bunn	219	497	
AJ	5,228,186	07/20/93	Brettell et al	29	611	
AK	5,462,314	10/31/95	Goto et al	285	21	
AL	5,500,510	03/19/96	Kumagai	219	505	
AM	5,779,843	07/14/98	Kumagai et al	156	274.2	
AN	5,951,902	09/14/99	Goodman et al	219	544	

## FOREIGN PATENT DOCUMENTS

Document No.	Date	Country	Class	Sub Class	Translation Yes No
AO 7-260082	10/13/95	Japan	47	02	No
AP 9-292084	11/11/97	Japan	47	02	No
AQ 0 082 451 A1	12/11/82	Europe	47	02	No
AR 0 299 833 A1	06/30/88	Europe	65	34	No
AS 668 741 A5	01/31/89	Switzerland	65	02	No

Mark Paschall  
Primary Examiner

OTHER ART (Including Author, Title, Date, Pertinent Pages, Etc.)

AT	
AU	
AV	

EXAMINER: Mark Paschall

DATE CONSIDERED: 6-1-03

EXAMINER: Initials of Examiner considered, whether or not citation is in conformance with MPEP 609. Examiner line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

**Notice of References Cited**Application/Control No.  
09/829,760Applicant(s)/Patent Under  
Reexamination  
CHENAULT, DAVID O.Examiner  
Mark H PaschallArt Unit  
3742

Page 1 of 1

**U.S. PATENT DOCUMENTS**

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
	A	US-6018136	01-2000	Ohmi et al	219/130.01
	B	US-5620625	04-1997	Sauron et al	219/494
	C	US-4837424	06-1989	Nussbaum et al	219/494
	D	US-			
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

**FOREIGN PATENT DOCUMENTS**

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

**NON-PATENT DOCUMENTS**

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

\*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)  
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.



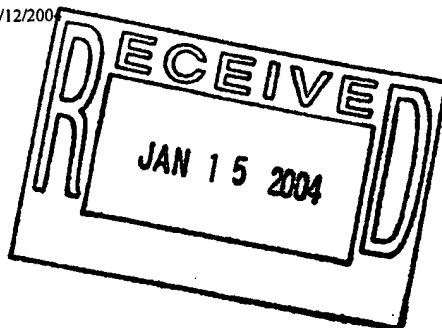
# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/829,760	04/10/2001	David O. Chenault	RUN600.00/00043A	9599

7590  
Gable & Gotwals  
Attn: Paul H. Johnson  
100 West Fifth Street  
10th Floor  
Tulsa, OK 74103

01/12/2004



EXAMINER

PASCHALL, MARK H

ART UNIT PAPER NUMBER

3742

DATE MAILED: 01/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Docket By: QJ Atty: PIV  
CLT: 5788 Mtr: 2

JAN 15 2004

Due: \_\_\_\_\_  
Ship: 3/2/04 8:00pm

**Notice of Abandonment**

Application No.

09/829,760

Examiner

Mark H Paschall

Applicant(s)

CHENAULT, DAVID O.

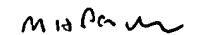
Art Unit

3742

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 03 June 2003.
  - (a) ☐ A reply was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply (including a total extension of time of \_\_\_\_\_ month(s)) which expired on \_\_\_\_\_.
  - (b) ☐ A proposed reply was received on \_\_\_\_\_, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.  
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
  - (c) ☐ A reply was received on \_\_\_\_\_ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
  - (d) ☒ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
  - (a) ☐ The issue fee and publication fee, if applicable, was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
  - (b) ☐ The submitted fee of \$\_\_\_\_\_ is insufficient. A balance of \$\_\_\_\_\_ is due.  
The issue fee required by 37 CFR 1.18 is \$\_\_\_\_\_. The publication fee, if required by 37 CFR 1.18(d), is \$\_\_\_\_\_.
  - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
  - (a) ☐ Proposed corrected drawings were received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply.
  - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:

  
Mark H Paschall  
Primary Examiner  
Art Unit: 3742

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.